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Chairman: Mr. Wolfe (Jamaica)

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The meeting was called to order at 3 p.m.

Agenda item 106: Crime prevention and criminal justice (continued) (A/C.3/62/L.12)

Draft resolution A/C.3/62/L.12. Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

1. **Mr. Maestripietri** (Italy), introducing draft resolution A/C.3/62/L.12 on the activities carried out mainly by the United Nations Office on Drugs and Crime (UNODC), said that although the Commission on Crime Prevention and Criminal Justice was the main body in that field, the Third Committee should seize the opportunity to guide the work of UNODC since it was vital to the international community. He suggested that the Third Committee should consider the current draft resolution biennially instead of annually, in order to optimize the results achieved. He said that Belarus, Bosnia and Herzegovina, Bulgaria, Colombia, Croatia, Cuba, Ecuador, El Salvador, Ghana, Guatemala, Hungary, Indonesia, Japan, Jordan, Mexico, Panama, Serbia, Sierra Leone, Slovakia, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and the United Republic of Tanzania had joined the sponsors of the draft resolution.

2. **Ms. Sharma** (Secretary of the Committee) said that the following countries had joined the sponsors of the draft resolution: Albania, Austria, Azerbaijan, Cape Verde, Chile, Cyprus, the Czech Republic, Estonia, Germany, Honduras, Ireland, Jamaica, Luxembourg, Moldova, Montenegro, the Netherlands, Poland, Romania, San Marino, Spain and the United Kingdom of Great Britain and Northern Ireland.

Agenda item 62: Social development (continued)

(c) Follow-up to the International Year of Older Persons: Second World Assembly on Ageing (continued) (A/C.3/62/L.9)

Draft resolution A/C.3/62/L.9: Follow-up to the Second World Assembly on Ageing

3. **The Chairman** said that draft resolution A/C.3/62/L.9 contained no programme budget implications.

4. **Ms. Sharma** (Secretary of the Committee) said that Belarus, the Russian Federation and Uzbekistan had joined the sponsors of the draft resolution.

5. **Ms. Nawaz** (Pakistan) said that, after consultations with the Group of 77 and China, it had been agreed that the following revisions should be made to the draft resolution: paragraph 10 should read "... to provide care and protection to persons as they age and to evaluate improvements in the health status of older persons, including on a gender-specific basis, and to reduce disability and mortality". The beginning of paragraph 12 should read "Recommends to the Commission for Social Development to include in deliberations of its forty-sixth session in 2008 the outcomes of the first cycle of the review ...". She noted that Andorra, Iceland, Kazakhstan, Montenegro, Norway, Portugal and the Republic of Korea had joined the sponsors of the draft resolution.

6. **Ms. Sharma** (Secretary of the Committee) said that the following countries had joined the sponsors of the draft resolution: Albania, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Cyprus, Croatia, the Czech Republic, Denmark, Estonia, Germany, Hungary, Ireland, Israel, Italy, Japan, Kenya, Latvia, Lithuania, Luxembourg, Mexico, Moldova, Monaco, the Netherlands, New Zealand, Poland, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom of Great Britain and Northern Ireland.

7. *Draft resolution A/C.3/62/L.9, as orally revised, was adopted.*

Agenda item 70: Promotion and protection of human rights (continued) (A/62/36, 369 and 464)

(b) **Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (continued) (A/62/183, 207, 212, 214, 218, 222, 225, 227, 254-5, 265, 280, 286-9, 293, 298, 304, 317; A/C.3/62/3)**

(c) **Human rights situations and reports of special rapporteurs and representatives (continued) (A/62/213, 223, 263-4, 275, 313, 318, 354 and 498)**

8. **Ms. Jilani** (Special Representative of the Secretary-General on the situation of human rights

defenders), introducing her report (A/62/225), said that the report focused on the right to protest in the context of freedom of assembly, as a manifestation of the fundamental freedoms of expression, assembly and movement. Respect for the right to peaceful protest was essential not only for promoting the defence of human rights, but also for the cause of democracy and pluralism. Nevertheless, the exercise of that right was too often limited and suppressed. In that regard, she drew attention to the situation in Myanmar, a patent illustration of the denial of the freedom to protest, and expressed her concern about the situation of human rights defenders in that country. She noted that States had an obligation to create the appropriate conditions for the expression of opinions, and therefore the exercise of the right to protest. She cited examples from her report which illustrated situations that had raised concern during the period under consideration and which had prompted her to send communications to the States concerned.

9. **Ms. Lopes** (Portugal), speaking on behalf of the European Union, expressed the European Union's support for the Special Representative. It was of utmost importance that human rights defenders should be able to work freely, and the mandate of the Special Representative contributed to the achievement of that objective. The decision to focus the report on the right to protest in the context of the freedom of assembly was particularly pertinent since the freedoms of expression and opinion, association and peaceful assembly continued to be regularly violated. She would welcome information from the Special Representative concerning several questions. She asked how the regional mechanisms such as the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights and the Council of Europe had responded to the Special Representative's work and recommendations; whether any States had refused to receive the Special Representative; what country visits the Special Representative planned to make in the months ahead, and in which countries the human rights situation had worsened in 2007. She would also like to know what the Third Committee could do to help improve the situation in those countries, and to help protect people who had been threatened for cooperating with the Special Representative. She also wished to know whether persons demonstrating in favour of protection of the environment should be regarded as human rights defenders.

10. **Ms. González** (Cuba) asked, with regard to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, whether the Special Representative had considered studying the duty of protesters, either groups or individuals, to conduct their protests within legal frameworks. She also wondered whether the Special Representative intended to address the effects that the adoption and implementation of counter-terrorism laws had had on the work of human rights activists, in particular the measures that had been taken against anti-globalization protesters who worked for world peace.

11. **Mr. Heines** (Norway) commended the Special Representative on the manner in which she was discharging her mandate. With regard to the anti-globalization movement, the Special Representative referred in her report to situations in which marginal and violent elements at peaceful demonstrations had caught the attention of the media. As a result, the "human rights" dimension of the protests was often relegated to second place. He enquired what States could do in order to avoid that type of situation, taking into account the duty not to interfere and the positive obligation of States to protect those who exercised their right to protest.

12. **Ms. Sutikno** (Indonesia) thanked the Special Representative, who had visited Indonesia in 2007, and said her country looked forward to the report on the visit which the Special Representative would be submitting to the Human Rights Council at its 2008 session. With regard to the issue brought to the Committee's attention by the Special Representative, she said that the right to freedom of peaceful assembly was guaranteed by the Indonesian Constitution and that, in practice and in daily life, meetings and protests in exercise of the freedoms of opinion and assembly were characteristic of Indonesia's new democratic society. Referring to the right to protest, she asked how, in the opinion of the Special Representative, legislation introduced in order to guarantee the peaceful exercise of the right to protest could counteract the negative effects of laws that were frequently accused of restricting that right.

13. **Mr. Khani Jooyabad** (Islamic Republic of Iran) said that his delegation had serious misgivings and questions regarding both the Special Representative's report, and the nature and priority of her mandate. He

asked how the many United Nations Member States facing serious problems, such as poverty, unemployment or contagious diseases could conceive of the right to protest and the right to strike as priority issues, pointing out that the report did not seem to refer to the international legal basis for the right to protest or to balanced safeguards that could protect the stability and security of Member States from out-of-control demonstrations or strikes. Even the European system for the protection of human rights provided for such safeguards, including peaceful nature, legality, proportionality and good administration, in its guidelines on the drafting of legislation on freedom of peaceful assembly. He asked whether, given the magnitude and overlapping nature of the questions raised in her reports, the Special Representative would not agree that she was overstepping her mandate and that the Human Rights Council should take an immediate decision to streamline that mandate and replace it with a high-priority issue.

14. **Mr. Nagan** (Netherlands) said that his delegation fully endorsed the statement made by the representative of Portugal on behalf of the European Union and, like other delegations, wished to thank the Special Representative for the manner in which she was discharging her mandate, which provided considerable support to those who often risked their own lives to defend civil and political liberties. Noting that, in her report, the Special Representative gave an overview of the work done by the international and regional monitoring mechanisms to protect the right of human rights defenders to protest, he would be grateful if she would share her views on the way in which the international community could help human rights defenders to make full use of those mechanisms. In the report, the Special Representative referred to various categories of human rights defenders, and he welcomed the attention she had devoted to those who acted to protect the rights of lesbian, gay, bisexual and transgender individuals, who, as well as facing threats from certain Governments, were also the victims of social discrimination. He asked what the international community could do to assist those defenders with their legitimate mission.

15. **Mr. Llanos** (Chile) thanked the Special Representative on the situation of human rights defenders for her report and oral introduction. In chapter III, section H, of the report, entitled "Protests linked to land rights and environmental claims", a

paragraph about Chile contained serious inaccuracies, which he wished to clarify. The paragraph stated that the son of a leader of a Mapuche community had been charged under anti-terrorism legislation, which was incorrect, since the person in question had been charged under various articles of the Penal Code. As a State based on the rule of law, Chile could not accept violence as a means of ensuring that a citizen's demands were heard, whether or not that citizen was a member of an indigenous community. Chile had implemented a number of institutional mechanisms to respond to the demands of all segments of the population, and a special body had been established to protect the rights of indigenous peoples. In Chile, no indigenous person had been arrested or convicted for having asserted his or her land rights.

16. **Ms. Blitt** (Canada) said that Canada was seriously concerned about the harassment of human rights defenders in Zimbabwe, particularly women who took part in peaceful protests, described in the Special Representative's report, the quality of which was commendable. Noting that the Special Rapporteur of the African Commission on Human Rights Defenders in Africa was also following that issue, she enquired whether the Special Representative had other opportunities to collaborate with regional mechanisms in order to better protect women defenders of civil and political liberties. With regard to the Special Representative's concern that restrictions on the right to protest in connection with elections could challenge the integrity of the latter, which constituted a central foundation of democracy, she said that defenders of political liberties who called for free and fair elections or denounced irregular electoral practices were often arrested or arbitrarily detained. In that connection, she enquired whether it would be possible for other special procedures to help the Special Representative to protect defenders in such situations.

17. **Ms. Oinonen** (Finland) thanked the Special Representative for her outstanding work. In the report, the Special Representative highlighted the additional risks often faced by women human rights defenders when participating in collective public action and noted that those risks were linked to the traditional role of women in some societies, she said that Finland had carefully studied the recommendations set out in the report, particularly those to the effect that instances of gender-based violence against women defenders occurring during demonstrations should be investigated

and prosecuted as a matter of priority and that law enforcement officials should receive training on protection measures to be taken with regard to children taking part in demonstrations with their mothers. She would be grateful to hear any recommendations the Special Representative might have on specific measures to strengthen protection for women human rights defenders taking part in collective public action. In addition, Finland attached importance to the recommendation relating to the use and adaptation to national and regional contexts of the Guidelines on Freedom of Assembly drafted by the Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, and would like to know more about the way in which the Special Representative thought that those Guidelines could be used to promote and protect the rights of women who defended human rights.

18. **Mr. Rees** (United States of America) thanked the Special Representative for her report and said that his delegation strongly supported the recommendation that States should be more tolerant of criticism, view human rights defenders as a resource and take advantage of their knowledge. Human rights defenders and NGOs raised awareness of freedoms, condemned abuses, called for change and compelled Governments to be answerable for their actions. The United States was a strong supporter of human rights defenders and, in 2006, had established a fund in order to provide rapid financial, medial or legal support to activists who were being repressed by their Governments. The report stressed the need for States to adhere more strictly to the Declaration on Human Rights Defenders; in that connection, he enquired whether the Special Representative could suggest any ways to disseminate the Declaration more effectively in order to increase its impact. He thanked the Special Representative for having drawn attention to the terrible situation of human rights defenders in Burma.

19. **Ms. Vlotti** (Brazil) thanked the Special Representative for her introduction and for her ongoing efforts in discharging her mandate. The recommendations made by the Special Representative following her visit to Brazil in December 2005 had helped Brazil to assess its own situation, and most of the recommendations had been implemented by means of Government action plans.

20. **Mr. Myint** (Myanmar) said that his delegation had already described the background to the events in

Myanmar, namely a complex political transition. While those had been tragic events of international concern, all references to the situation should now cease.

21. **Mr. Zheglov** (Russian Federation) said that a study of the issue of the right to protest in the context of freedom of assembly did not fall under the Special Representative's mandate and that in her report, the term "defender" was arbitrarily defined, with no account taken of cultural criteria. In addition, peaceful protests were sometimes motivated by factors that went beyond the defence of human rights and were capable of undermining State structures. If human rights defenders had special status, then his delegation wished to know what punishment should be imposed on them in the event of their acting excessively. In his view, the Special Representative had exceeded her mandate and her report and recommendations were questionable.

22. **Ms. Jilani** (Special Representative of the Secretary-General on the situation of human rights defenders) said that her report dealt with the right to peaceful protest, which was a part of the right to freedom of peaceful assembly. Her mandate stemmed from the Declaration on Human Rights Defenders and was rooted in actions to protect freedom of assembly. With regard to her interaction with regional bodies, since taking over the mandate, she had been instrumental in strengthening cooperation between those bodies and the United Nations system, in particular in establishing, within the African Commission on Human Rights, a special rapporteur on human rights defenders and, within the Inter-American Commission on Human Rights, a special human rights defenders unit. Such cooperation had involved sharing experiences and informing each other of the best ways to address problems, taking account of country needs and realities on the ground. Responding to the question posed by Cuba, she recalled that, pursuant to article 18 of the Declaration on Human Rights Defenders, everyone had duties towards and within the community. However, they must respect the law and democratic process. In many regions, it was the denial of economic and social rights that prompted human rights defenders to act, provoking a response by the State that undermined the civil and political rights of the individual. The exercise of the right to peaceful protest should not undermine State security; legitimate means existed to enable public institutions to maintain State security when faced with unacceptable methods

of protest. Law enforcement agents must learn to distinguish between peaceful protests and attacks on law and order and to take proper account of the needs of women and children who participated in peaceful protests or were bystanders. She hoped that the peaceful protest guidelines would be widely disseminated and adopted by a growing number of countries. Freedom of assembly, freedom of movement and freedom of information should be strengthened in national legislation, and any restrictions must be reasonable. It was her view that she had never exceeded her mandate.

22. **Mr. Despouy** (Special Rapporteur on the independence of judges and lawyers) said that the increasing number of interventions in 2006 showed how difficult it was for members of the judiciary to act in full independence and safety. Unfortunately, they were not adequately protected by Governments and were exposed to harassment, intimidation, vilification and threats which could lead to forced disappearance, assassination or extrajudicial executions. He condemned the delays in the administration of justice and the corruption that sometimes impeded the workings of the judicial system. In many cases, judicial reform had only further paralysed the judiciary. There had been many complaints of indefinite detention without charge or trial, the trial of civilians by military courts and the trial of members of the armed forces by those same courts for serious violations of human rights, as well as the establishment of special courts and the enactment of anti-terrorism legislation or legislation relating to national security and the right to asylum which limited recourse to the justice system and granted excessive powers to the executive.

23. An expert seminar would shortly be held to examine the issue of human rights during states of emergency and make recommendations in that regard. It was a matter of concern that in many countries, the most vulnerable members of society continued not to have access to justice. He also deplored the lack of resources that impeded the workings of the judiciary, the fact that courts were located in large cities rather than rural areas, the lack of access to judicial information, the prohibitive cost of court cases and the quasi-total paralysis of the judiciary in times of conflict.

24. The Special Rapporteur drew attention to the lack of cooperation between the Government of the Sudan and the International Criminal Court and the lack of a

relationship agreement between the Court and the African Union, a circumstance which hampered investigations and put at risk the appearance of suspects before the Court. He urged the Government of Uganda and the Lord's Resistance Army to reach an agreement that precluded any type of amnesty for war crimes, crimes against humanity, genocide or grave violations of human rights, thereby striking a balance between the need to see justice done and the need to achieve lasting peace in the region. It was regrettable that despite his insistent appeals, the last survivor of the six people implicated in the attack against the United Nations office in Baghdad had been executed, which he considered to be a denial of the right to truth of the victims' families. He drew attention to the unanimous adoption of the Internal Rules of the courts of Cambodia and the arrests of two high-ranking Khmer Rouge leaders, and said that the national and international judges were determined to complete the trials in a timely manner, in accordance with the principles of equity, impartiality and transparency. He drew attention to the alarming state of the judicial system in the Democratic Republic of the Congo, in particular the inadequate number of judicial personnel and courts, their inadequate remuneration, the interference by the executive authorities and the army, the difficulty in gaining access to justice and the lack of enforcement of court decisions. He would be visiting the Russian Federation and Guatemala as well as Fiji, where the Chief Justice had been removed in the wake of a coup d'état.

25. **Ms. Lopes** (Portugal), speaking on behalf of the European Union, asked how the international community and United Nations human rights mechanisms might contribute to efforts to combat the corruption that plagued the judiciary in certain countries and requested information on the expert seminar on human rights in the context of states of emergency. She wondered whether the Special Rapporteur believed that it would be possible to maintain the planned timetable of work.

26. **Mr. Ochoa** (Mexico) asked what recommendations the Special Rapporteur planned to make to the United Nations system and international community to promote access to justice.

27. **Mr. González** (Costa Rica) asked the Special Rapporteur to comment on the link between development and access to justice, and detail measures to be taken to promote access to justice.

28. **Mr. Ahmed** (Sudan) noted that the Sudan had not ratified the Rome Statute that had established the International Criminal Court. The Court was thus not competent to examine matters concerning the Sudan, which possessed its own independent judicial system. Three domestic tribunals had been established in the three states of Darfur and were now functioning. The Special Rapporteur should not engage in any sparring match, but should keep within his mandate.
29. **Mr. Zheglov** (Russian Federation) said that his country stood ready to welcome the Special Rapporteur and facilitate his visit and his meetings in the Russian Federation in every possible way.
30. **Mr. Poli** (Brazil) said that the Government of Brazil had taken account of the recommendations of the Special Rapporteur in its reform of the judicial system.
31. **Mr. Argüello** (Argentina) said that Argentina was in the process of reforming its military justice system to bring it in line with international law and planned to abolish the death penalty still applicable in its Military Justice Code. He asked whether the Special Rapporteur would be attending the seminar on respect for human rights during states of emergency and what impact the seminar might have on the development of international humanitarian law.
32. **Mr. Llanos** (Chile) said that his country would be participating actively in the seminar announced by the Special Rapporteur and asked what proposals the Special Rapporteur would be making in order to facilitate access to justice.
33. **Mr. Navoti** (Fiji) thanked the Special Rapporteur. The reference to his country in the report reflected the international community's genuine concern with his country's justice system. His Government would follow up the Special Rapporteur's request for an invitation.
34. **Ms. Pi** (Uruguay) thanked the Special Rapporteur for his report and his participation in the seminar on the right to truth that had been held in her country. She welcomed the fact that another seminar would be held on human rights protection during states of emergency. She asked the Special Rapporteur what impact the declaration to be adopted by the seminar was expected to have on the work of the Human Rights Council.
35. **Ms. Abdelhak** (Algeria), commended the work of the Special Rapporteur and asked what results he expected from the seminar and what general conclusions he drew from the individual cases mentioned in his report.
36. **Ms. Norin** (United States of America) thanked the Special Rapporteur and asked whether there had been any developments with regard to his request for an invitation to visit Iran.
37. **Ms. Lebedinsky** (Switzerland) commended the Special Rapporteur on his report and expressed the hope that the Special Rapporteur's report would address the issue of transitional justice, which was an issue of great concern to his country.
38. **Ms. Sutikno** (Indonesia) welcomed the work of the Special Rapporteur and highlighted the importance of the independence of the judiciary to her country, which had recently established a judicial oversight commission whose tasks included monitoring such independence. She supported the recommendation that the United Nations and other relevant international agencies should provide assistance to countries, on request, to bring their judicial apparatus into line with international standards.
39. **Ms. Borjas Chávez** (El Salvador) thanked the Special Rapporteur. Emphasizing the importance of the issue, she said that her country was working to strengthen the independence of judges, particularly through constitutional reforms. She asked what challenges were faced by developing countries with regard to training, particularly in the area of ethics.
40. **Mr. Abubaker** (Libyan Arab Jamahiriya), having commended the Chairman, asked the Special Rapporteur which criteria determined fairness and transparency in a given judicial system and when the Committee would hear reports that were free of selectivity and politicization.
41. **Mr. Despouy** (Special Rapporteur on the independence of judges and lawyers) thanked the representatives for their comments and questions. With regard to the seminar on human rights protection during states of emergency, he noted the interest expressed by several Latin American countries, which was understandable given the serious human rights violations that had occurred in those countries in the 1970s. However, at the present time, human rights were severely curtailed in the name of national security, even in countries that had traditionally protected them. The aim of the seminar should

therefore be a universal declaration that guaranteed that, even during a state of emergency, the authorities in all countries respected international standards. In addition, he hoped that the Human Rights Council would appoint a Special Rapporteur to ensure the implementation of that declaration. In reply to the representative of the European Union, he emphasized the need to follow closely the situation in Cambodia, where international cooperation in the promotion of justice had led to progress in establishing extraordinary chambers in that country. Even more should be done to provide marginalized populations, especially in rural areas, with access to justice. In reply to the representative of Costa Rica, he said that development programmes had a significant role to play in that area, by strengthening institutions and increasing citizens' autonomy. In reply to the representative of the Sudan, he noted that the Security Council had brought the case of Darfur to the International Criminal Court in accordance with article 13, paragraph (b), of the Rome Statute. The Pre-Trial Division of the Court had confirmed the charges against Mr. Ahmad Harun and Mr. Ali Kushayb. He took due note of the explanations given by the Sudan about the administration of justice in that country.

42. He reiterated his appreciation to the Russian Federation for its invitation and said he looked forward to visiting that country in May 2008. He also welcomed the fact that Brazil had followed his recommendations and made constitutional and institutional changes to improve the administration of justice. He commended the reform of the Code of Military Justice under way in Argentina and noted that the death penalty could be applied only if all guarantees of due process were respected and that he was in favour of a universal moratorium. In reply to the representative of Algeria, he pointed out that his statements referred both to specific cases and to structural problems, and that they concerned all countries. In closing, he thanked Member States for their cooperation and said that justice would continue to progress through the efforts of countries that were committed to protecting human rights.

43. **Ms. Ertürk** (Special Rapporteur on violence against women, its causes and consequences), introducing her report, said that the report examined how cultural specificity was used to justify violence against women. She stressed the need to combat such violence in a comprehensive manner by addressing the

true political and economic causes of violations of women's rights. In 2006 she had visited Turkey, Sweden and the Netherlands. In Turkey, she had found that oppression by family members and the wider society drove many women to suicide. She thanked the Turkish Government for making available follow-up information to her mission, welcomed the Government's intention to combat honour crimes and violence against women and encouraged it to intensify its efforts. In the Netherlands, she had observed that inequalities persisted in the labour market, with women of foreign background being doubly disadvantaged by discrimination linked to a cultural perspective. In Sweden, she had noted that women remained underrepresented in senior management positions in some sectors, the extent of family violence was disturbing and there were gaps in the implementation of the penal framework for the protection of women.

44. In 2007, she had visited Algeria, Ghana and the Democratic Republic of the Congo. In Algeria, she had noted progress in legislation and in the educational system but there remained gaps in the labour market and the newly formed Family Code did not resolve issues of discrimination within the family. Violence against women in the private sphere remained pervasive, but policy measures had been taken to address harassment and sexual abuse in public institutions. Women still suffered from the legacy of the "Black Decade". In Ghana, violence against women was all too prevalent, although certain practices that had been criminalized were on the decrease. The main victims were girls, women accused of witchcraft and widows. It was difficult to ensure that traditional authorities were fully engaged in enforcing laws adopted by the Government in accordance with Ghana's international commitments. In the Democratic Republic of the Congo, armed groups continued to commit extreme violence against women with virtual impunity. Survivors were stigmatized and did not receive the compensation to which they were entitled. Given the nature of the conflict in the country, the international community, in cooperation with the Congolese authorities, had a responsibility to protect women, especially in South Kivu. Several regional consultations had enabled her better to understand local specificities, as well as to support national and regional civil society initiatives. She called on donors to support those initiatives. She welcomed the invitations extended by the Governments of Saudi Arabia and Tajikistan to visit those countries in 2008. She had also

made requests to visit Kyrgyzstan, Turkmenistan and Uzbekistan.

45. Her next report would focus on indicators of violence against women, as reliable statistics would enable States better to target their actions. Violence against women had become a major agenda item within the work of the United Nations and its entities, but cooperation was needed among relevant actors, especially the Commission on the Status of Women and mandated experts. The move to Geneva of the Committee on the Elimination of Discrimination against Women would imply both advantages and disadvantages, but she trusted that the General Assembly would provide guidance to address the latter.

46. **Mr. Aksen** (Turkey) commended the work of the Special Rapporteur and stressed that his Government was determined to combat violence against women, as shown by the institutional and legislative measures recently taken, especially with regard to honour crimes. He asked the Special Rapporteur what measures she recommended with a view to raising public awareness of the problem.

47. **Ms. Lopes** (Portugal), speaking on behalf of the European Union, thanked the Special Rapporteur and expressed appreciation for the Special Rapporteur's visit to two member States of the European Union in 2006. She cited the measures taken by several States more effectively to combat domestic violence and requested the Special Rapporteur to share with Member States good practices drawn from her experience. She asked what measures the Democratic Republic of the Congo and the international community could take to eliminate grave acts of violence committed against women in that country, and what the international community could do to ensure that cultural specificities were not used to justify violence against women.

48. **Ms. Blitt** (Canada) thanked the Special Rapporteur and said that she awaited with interest the report on indicators of violence against women. She wondered whether common indicators would be useful, considering the major differences between some countries and whether, in addition to the acts of violence themselves, other factors would be considered in measuring such violence. Finally, she asked how other United Nations bodies could contribute to the Special Rapporteur's work.

49. **Mr. Ochoa** (Mexico) commended the Special Rapporteur; he asked what obstacles had been

encountered in the preparation of the report on indicators and whether the Special Rapporteur had found common indicators that could be applied to all countries. He also asked her views on the term "femicide" (*femicidio*) recently adopted by ECLAC.

50. **Mr. Akindede** (Nigeria) said that, as knowledge conquered all (*scientia omnia vincit*), a large-scale educational effort could be expected gradually to eliminate the negative influence of cultural factors that explained why violence against women was still very prevalent in the world. He asked what measures should be taken in order for education to make a useful contribution to the elimination of such violence, especially in rural areas.

51. **Ms. Abdelhak** (Algeria) said she looked forward to the recommendations that would no doubt be contained in the report of the Special Rapporteur to the Human Rights Council after her visit to Algeria. As in all other countries, there was violence against women in Algeria, but the authorities were aware of it and spared no effort to eradicate it, with the cooperation of society as a whole. Rather than focus on individual cases, however, the report to the Human Rights Council should address general factors explaining such violence.

52. **Ms. Sutikno** (Indonesia) said that her country was party to the Convention on the Elimination of All Forms of Discrimination against Women and wished to reassure the Special Rapporteur that her conclusions would be carefully studied by the Indonesian Government. A bill had been brought before Parliament aimed at raising to 30 per cent the number of women elected to Parliament. She asked what proposals would be helpful in eliminating the problem of violence against women, which Indonesia also faced.

53. **Ms. Woldberg** (Netherlands) said that a major report on the emancipation of women in the Netherlands had recently been issued. The Netherlands would continue to support United Nations activities to eliminate violence against women.

54. **Ms. Ertürk** (Special Rapporteur on violence against women, its causes and consequences), responding to comments by delegations, noted that action to eliminate violence against women was widely accepted as part of a common agenda, and that she received expressions of support more often than disagreement. She had visited 14 countries with widely varying cultures, where gender inequality frequently

persisted, but had always encountered an eagerness to tackle those problems, with varying degrees of success. Domestic violence, usually against women, was found in all countries, whether rich or poor, and was attributed to a wide variety of factors, such as alcoholism or unemployment. However, its structural causes — essentially inequality in the exercise of power — must not be forgotten. Further work was therefore needed to change attitudes, in particular the way in which the concept of power was understood. Impunity was an invitation to continue behaviours like domestic violence, which might lead to the conclusion that punishment in one form or another would be the solution. The idea of punishment or penalty should be approached with care, however, as quite often battered women did not want their husbands to go to prison. More innovative methods, such as restraining orders, must therefore be found; more generally, ways must be found to support the family and pay the rent if the father was jailed. Those were difficult problems to which there was no perfect solution, and no model practices were known that could be disseminated. Bolder innovation was needed in that area. The problem of non-State actors was acute, because they were often the perpetrators of human rights violations reported; in such cases, the State must be held accountable for not exercising appropriate vigilance. For example, in the Democratic Republic of the Congo there were a multitude of actors from armed groups, which had nothing to do with the State, and which often committed violations, against women in particular. The problem should therefore be addressed by the international community, which should have ideas about ways to eliminate that type of violence.

55. Turning to indicators of domestic violence, she said that domestic violence was difficult to measure and even its definition was in dispute. It was not easy to find comparable indicators; major work was in progress on social indicators in general and on domestic violence in particular, which suggested that indicators that would easily allow comparisons between countries were rare indeed. Prevalence indicators were currently the most widely available, but they gave no indication of the seriousness of the violence; there was therefore no practical or easy solution to the problem of indicators. The concept of "femicide" would be addressed in the report to be submitted to the Human Rights Council. Death statistics were widely available and it should be possible to spot differences in mortality between men

and women, but the way in which those statistics were kept varied from one country to another and were not always comparable.

56. On the issue of culture and education, she said that education was both a fundamental right and a citizenship right. It was quite discouraging that it did not seem possible to solve the problem of education, in particular the education of girls and women, because of a lack of resources. The issue of encouraging girls to continue their studies must also be addressed. She noted, however, that schooling was not always a guarantee of avoiding the problem of domestic violence: the educated classes were not exempt from it either. Many countries already had excellent laws, but they must be enforced, because what was ultimately needed was a change in mindset. A cultural negotiation must begin: the State must participate in a direct relationship with local communities in order to be able to question cultural norms that were sometimes in direct contradiction to women's exercise of their rights. But who spoke on behalf of the culture? Courage was required to eliminate negative cultural factors.

Statements in exercise of the right of reply

57. **The Chairman** said that several representatives had asked to speak in exercise of the right of reply in reference to the statement made on behalf of the European Union at the 22nd meeting.

58. **Mr. Khani Jooyabad** (Islamic Republic of Iran) said that his country was concerned that the European Union, while denouncing Iran, was closing its eyes to the situation of human rights in the territories of the European Union, which in some cases was pathetic: minorities were oppressed, asylum-seekers sent home; xenophobia was widespread, and people sometimes lived in ghetto-like conditions; there were secret detention centres and illegal transfers of detainees. He wondered, therefore, how the European Union could teach Iran a lesson. Neither the European Union or any other group of countries could claim a monopoly on the protection of human rights. Serious attention must be paid to such pretensions.

59. Many countries in the world (107 Member States by his count) retained the death penalty in their penal codes. Other countries could not arrogate the right to dispute the reasons put forward for imposing the death penalty for very serious crimes (terrorism, drug trafficking, sabotage). Iran saw the death penalty as a

very important means of deterrence, and the criticism of the European Union was therefore unjust: to fight terrorist groups, an adequate criminal arsenal was needed. Not infrequently, members of the European Union harboured terrorists in their territories and put other countries in danger. The Iranian Government had applied a zero-tolerance policy to drug traffickers, which called for appropriate punishment. Iran therefore categorically rejected the baseless allegations of the European Union. The Islamic Republic of Iran would not give in to pressure or expressions of disapproval from other countries. Relations among States should be based on mutual respect, and his country was ready for a constructive dialogue on human rights with all countries.

60. **Mr. Batora** (Ethiopia) said that at the 22nd meeting, the European Union had accused Ethiopia of gross violations of human rights, but had not mentioned the mass killings, mainly of Chinese nationals, committed in Ogaden by the Ogaden National Liberation Front with the undoubted support of agents from outside Ethiopia. The concern of the European Union was therefore groundless. The media, for its part, had added its own distortions. Ethiopia believed that it was for the United Nations to conduct its own evaluation of the situation. His country was prepared to cooperate with the United Nations and would not in any way prevent access by United Nations personnel to Ethiopian territory for an evaluation on the ground. The position taken by the European Union was therefore unhelpful. In addition, the facts were being reported in a distorted way. Nevertheless, his country continued to require humanitarian assistance to ensure greater respect for human rights.

61. **Ms. Halabi** (Syrian Arab Republic) said that she was surprised at the reaction of the European Union to her country's efforts to resolve the situation of refugees; the representative of the European Union had made some baseless accusations. Syria had always observed the greatest respect for human rights and had applied the means to protect human rights, in terms of its domestic law and economic, social and religious specificities. The commitments undertaken in the Universal Declaration of Human Rights were enshrined in its Constitution. However, dialogue on human rights should observe the principle of non-interference in the internal affairs of States.

62. **Mr. Jang Il-Hun** (Democratic People's Republic of Korea) said that, regrettably, the representative of

Portugal, speaking on behalf of the European Union, had stated that his country was not open to dialogue on human rights, and that the European Union would therefore be submitting a draft resolution on the subject. Although he had little interest in what the European Union decided about submitting a draft resolution, he would like to clarify the facts: high-level political discussions on human rights in the Democratic People's Republic of Korea had indeed been taking place since 2001. A delegation from the European Union had come to his country and had visited prisons and met with prisoners and magistrates. It was the European Union which had unilaterally decided to break off the dialogue on human rights. The issue of human rights coincided with the consideration of nuclear questions. In fact, it was the European Union which had rejected and interrupted the dialogue, and the door was not closed to dialogue, although his country could no longer trust the European Union. There had been no change in his country's position on human rights. He regretted that the draft resolution was politically motivated.

The meeting rose at 6.15 p.m.